

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CEQUENT TRAILER PRODUCTS, INC.,

Plaintiff,

v.

DIVERSI-TECH CORP.,

Defendant.

**DECLARATION OF
DAVID T. MOVIUS, ESQ.**

Civil Action No.: 05-CV-0074
(NAM/GJD)

David T. Movius, Esq., pursuant to 28 U.S.C. § 1746, declares:

1. I am an attorney at McDonald Hopkins Co. LPA, attorneys for plaintiff Cequent Trailer Products Inc. ("Cequent"), and make this Declaration in support of Cequent's Memorandum in Opposition to Defendant's Motion for Summary Judgment.

2. A copy of an advertisement of Cequent's Gorilla Guard universal coupler lock is attached to this Declaration as **Exhibit 1**.

3. A copy of a September 21, 2004 letter from Thompson Fehr., Esq. to Robert Earp, Esq., is attached to this Declaration as **Exhibit 2**.

4. A copy of an October 27, 2004 letter from Paul Budge to Robert Earp, Esq., is attached to this Declaration as **Exhibit 3**.

5. A copy of cited portions of Val Carpenter's deposition transcript is attached to this Declaration as **Exhibit 4**.

6. A copy of cited portions of Paul Budge's deposition transcript is attached to this Declaration as **Exhibit 5**.

7. A copy of U.S. Trademark Application Serial No. 78/504,813 for the “DT” and “Diversi-Tech” word marks is attached to this Declaration as **Exhibit 6**.

8. A copy of cited portions of James Rimer’s deposition transcript is attached to this Declaration as **Exhibit 7**.

9. A copy of cited portions of Larry Musgrave’s deposition transcript is attached to this Declaration as **Exhibit 8**.

10. A copy of Diversi-Tech’s Responses to Cequent’s Interrogatories is attached to this Declaration as **Exhibit 9**.

11. A copy of cited portions of Diane McDaniel’s deposition transcript is attached to this Declaration as **Exhibit 10**.

I declare under penalty of perjury that the foregoing is correct and true.

Executed on August 31, 2005.

By: /s/David T. Movius
David T. Movius

CERTIFICATE OF SERVICE

I certify that on August 31, 2005, I electronically filed the Declaration of David T. Movius, Esq., with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

James R Muldoon, Esq.
Wall, Marjama & Bilinski, LLP
101 South Salina Street, Suite 400
Syracuse, NY 13202-1937

Dated: August 31, 2005

/s/Edward R. Conan
Edward R. Conan